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File No. 003772.000020

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**VIA ECF**

Honorable Robert W. Sweet, USDJ  
UNITED STATES COURTHOUSE  
500 Pearl Street, Room 1920  
New York, New York 10007

**RE: DELORES BENNETT v. J.C. PENNEY COMPANY, INC., J.C. PENNEY  
CORPORATION, INC., VORNAO REALTY TRUST AND VORNADO  
REALTY L.P.,  
DOCKET NO. 1:08-CV-02956-RWS  
Our File Number: 003772.000020**

Dear Judge Sweet:

We represent the defendants in this matter. The parties hereto have now stipulated that damages do not exceed \$75,000 exclusive of interest, costs and disbursements. As such, this case no longer falls under Federal Diversity Jurisdiction. We enclose a Stipulation reflecting the foregoing. As the Court will note, the Stipulation also provides for the remand of this case to the Supreme Court of the State of New York, County of New York.

We respectfully request that the Court "So Order" this Stipulation in order to close this proceeding and formalize the remand and re-opening of the State Court action.

Thanking the Court for its time and attention to this matter, I remain,

Very truly yours,



BRADLEY J. LEVIEN

BJL/js  
**Enclosure: Stipulation**  
**cc: (with enclosure)**  
SEIDEN & KAUFMAN  
One Old Country Road  
Carle Place, NY 11514

***IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK***

DELORES BENNETT,

Plaintiff(s)

Docket No.: 1:08-cv-02956-RWS

-against-

NY County Index # 108423/07

J.C. PENNEY COMPANY, INC. AND J.C. CORPORATION,  
INC.,

Defendant(s)

IT IS HEREBY STIPULATED and agreed by and between the undersigned attorneys of record for the parties hereto that, no party hereto being an infant or an incompetent for whom a conservator has been appointed:

1) plaintiff's damages in the above captioned action shall be, and same hereby are, limited to seventy-five thousand dollars (\$75,000.00) exclusive of interest, costs and disbursements; and

2) in the event of the trial of this action, any verdict in excess of seventy-five thousand dollars (\$75,000.00) exclusive of interest, costs and disbursements shall be reduced to seventy-five thousand dollars (\$75,000.00), plus interest, costs and disbursements if awarded; and

3) this action does not meet Federal Diversity Jurisdiction requirements and, it shall, therefore, upon this Stipulation being "so ordered" by a Judge of this Court, be remanded to the Supreme Court of the State of New York, County of New York.

A FACSIMILE OF SIGNATURE on this Stipulation shall be good as an original.

May 12 08 03:42p

SEIDEN &amp; KAUFMAN

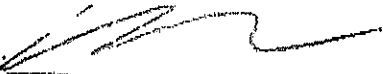
516-294-4339

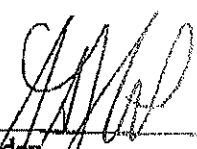
p. 3

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Stipulation  
May 12, 2008  
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THIS STIPULATION MAY BE FILED without further notice with the Clerk of  
the above-named Court and any Court subsequently having jurisdiction over this matter.

Date: Hicksville, New York  
May 12, 2008

BY:   
MINTZER, SAROWITZ, ZERIS LEDVA &  
MEYERS *by Emily Levin (01-003)*  
Attorney for Defendants  
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BY:   
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SEIDEN & KAUFMAN  
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Carle Place, NY 11514  
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So Ordered:

\_\_\_\_\_  
USDJ